

**CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT**

July 21, 2011 Hearing

Agenda Item 4

SUBJECT: Monrovia Ave Amendments:
1537 Monrovia Avenue (PA2011-082)
▪ General Plan Amendment No. GP2011-005
▪ Code Amendment No. CA2011-008
1539 Monrovia Avenue (PA2011-105)
▪ General Plan Amendment No. GP2011-006
▪ Code Amendment No. CA2011-009

APPLICANTS: Allred Newport LLC, and Dvorak & Payne LTD

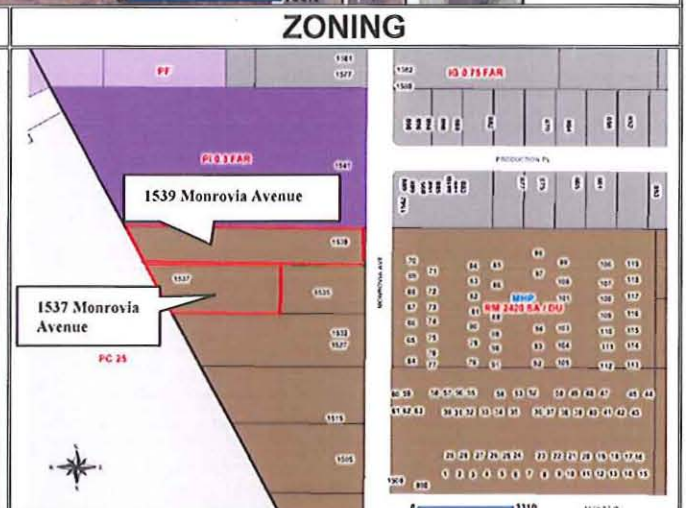
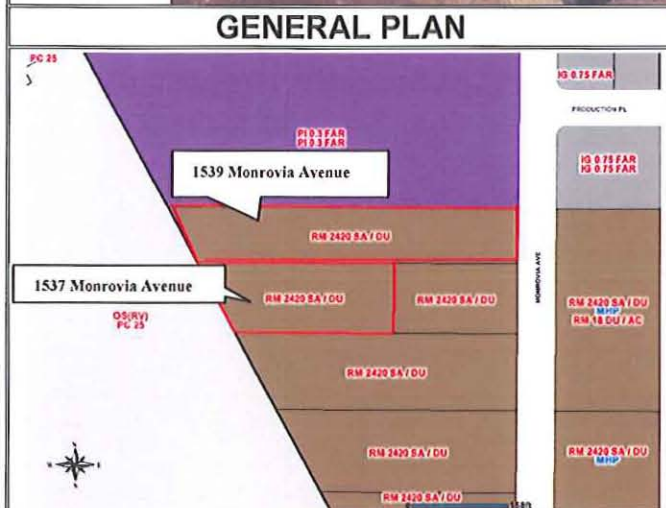
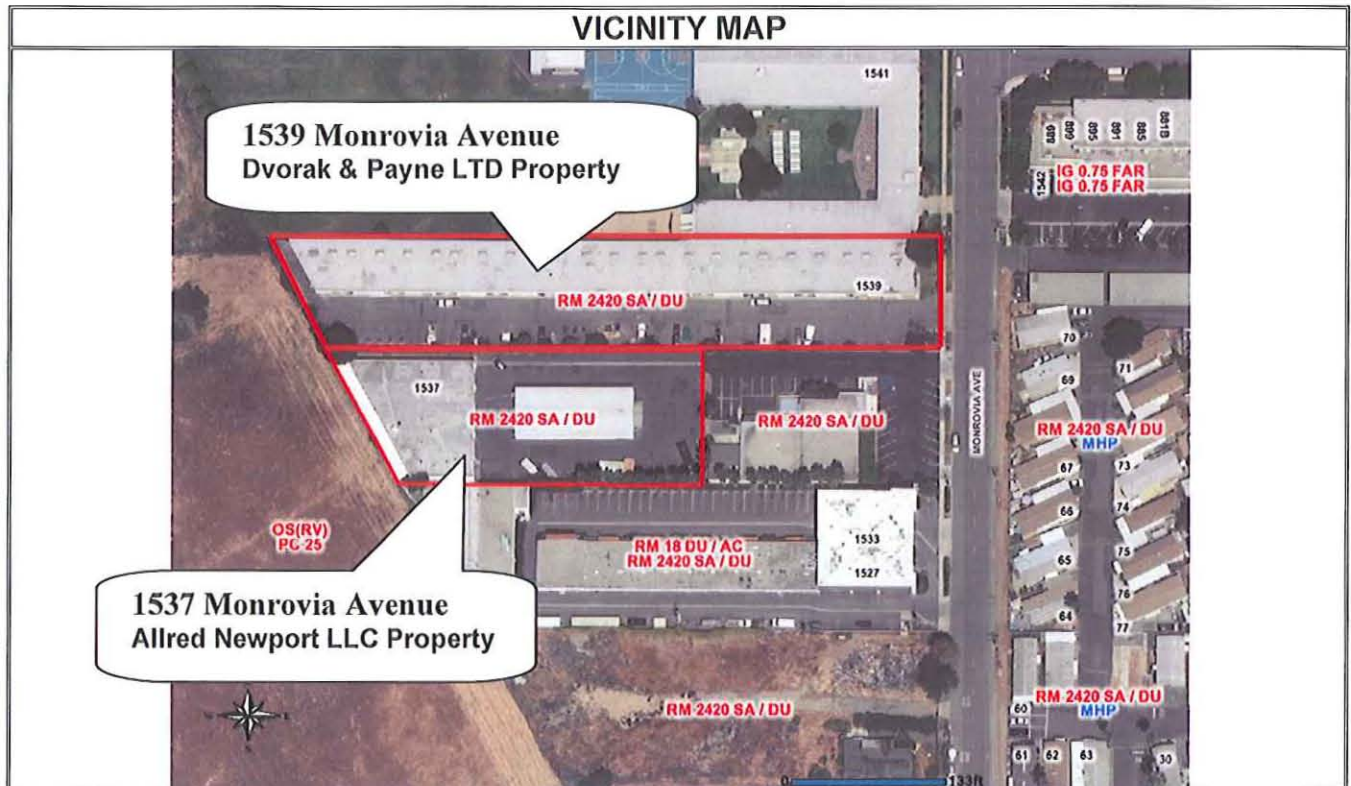
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PROJECT SUMMARY

Amendments to the General Plan and Zoning Map to change the designation of the subject properties from Multi-Unit Residential [(RM (2420)] to IG 0.50 FAR (General Industrial) land use designations; and to change the zoning designation from Multi-Unit Residential (RM) to Industrial 0.50 FAR (IG 0.50) zoning district. The amendments were initiated by the property owners who seek to continue the existing nonconforming industrial uses of the properties. The properties are currently developed with a light industrial use buildings, and no new land uses or development is proposed at this time.

RECOMMENDATION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ (Attachment No. PC 1) and attached Exhibits recommending the City Council:
 - Approve General Plan Amendment No. GP2011-005; and
 - Approve Code Amendment No. CA2011-008.
- 3) Adopt Resolution No. ____ (Attachment No. PC 2) and attached Exhibits recommending the City Council:
 - Approve General Plan Amendment No GP2011-006;
 - Approve Code Amendment No. CA2011-009.



CHANGES: CURRENT to PROPOSED		
LOCATION:	GENERAL PLAN:	ZONING:
1537 MONROVIA AVENUE and 1539 MONROVIA AVENUE	RM (Multi-Unit Residential) to IG-0.50 (General Industrial)	RM (2420) (Multi-Unit Residential) to IG-0.50 (Industrial)
SURROUNDING USES:		
North, South, East, and West	PI (Private Institution) RM (Multi-Unit Residential) Open Space- Banning Ranch	PI (Private Institution) RM (2420) (Multi-Unit Residential) Specific Plan – Banning Ranch

INTRODUCTION

Project Setting

The two subject properties are located on the west side of Monrovia Avenue in the West Newport Mesa Area. Both are designated by the Land Use Element of the General Plan and the Zoning Code for Multi-Unit Residential use. The subject properties are bounded on the north by Carden Hall Private School; and to the south by the Coast Community College District project that began construction in 2010. To the west, abutting the subject properties is vacant land designated for open space by the Banning Ranch Planned Community District. To the east across Monrovia Avenue is a mobile home park that is currently designated and zoned for Multi-Unit Residential uses (RM); and industrial uses on Production Place that are located on properties designated and zoned for industrial uses (IG).

The subject property located at 1537 Monrovia Avenue has a land area of approximately 33,580 square feet and is currently occupied by two light industrial buildings and uses (totaling 15,000 square feet) that are nonconforming with the General Plan and the Zoning Code (Photos and Relevant Information in Attachment PC4). Current intensity of the existing buildings is approximately 0.45 FAR and is used for an art and framing use in the smaller building; and support facilities associated with Toes on the Nose that include shipping and distribution center in the larger building at the rear of the property.

The subject property located at 1539 Monrovia Avenue has a land area of approximately 49,642 square feet and is currently occupied by a 24,000 square foot, single-story, light industrial/warehouse building and uses that are nonconforming with the General Plan and the Zoning Code. The applicant has also provided the attached statement in support of the application (Photos and Relevant Information in Attachment PC5). Current intensity is approximately 0.50 FAR and the building is occupied by various storage, service businesses, and light industrial uses with related offices.

Background

The West Newport Mesa Area of the City, more specifically known as the County Triangle, was annexed to the City of Newport Beach in October 1979.

On July 25, 2006, the Newport Beach City Council adopted Resolution No. 2006-76 approving a comprehensive update to the Newport Beach General Plan ("General Plan Update"). In conjunction with the update, the land use designation of the subject properties was changed from industrial to residential.

On January 28, 2008, the City Council adopted Ordinance No. 2008-05, which in addition to other Zoning Code changes, established the maximum time period for the abatement and termination of nonconforming uses in residential districts. However, determinations of nonconformity could not be made until the finalization of the City's Local Coastal Plan

(LCP), which occurred on July 14, 2009, and the subsequent Zoning Code Update which was effective November 25, 2010.

On October 25, 2010, the City Council Adopted a Comprehensive Update to the Zoning Code (Newport Beach Municipal Code Title 20) bringing consistency between the Zoning Code and the Land Use Element of the General Plan. The result of that action rendered several properties nonconforming, including the subject properties, which in accordance with Ordinance No. 2008-05 became subject to abatement.

The subject application does not include a specific project for development on either property at this time. The proposed land use changes would allow the retention of the existing land use and allow for future development in accordance with the standards of the proposed zoning district.

DISCUSSION

Analysis

Amendments to the General Plan Land Use Plan and Zoning Code are legislative acts. Neither City nor State Planning Law sets forth required findings for approval or denial of such amendments. However, when making a recommendation to the City Council, the Planning Commission should consider applicable policies and development standards to ensure internal consistency.

Neighborhood Compatibility

Staff believes that the current activities at the subject properties will be compatible with the adjacent neighboring institutional uses and the current mobile home park and future multi-residential uses across Monrovia Avenue. Those activities include the following:

1537 Monrovia Ave, the applicant has submitted the following information.

Main Building (11,000 sq. ft.) at the rear of the property:

1. Design, distribution, administration and support of retail surf shops and schools.
2. Lease space to other distributors of footwear, handbags, sweaters and a wholesale wine distributor.
3. A small internal assembly shop, for the Toes on the Nose, that makes retail signs and displays, totals 600 sq. ft. interior space.

The small building (4,000 sq. ft.) at the front of the property:

4. Fine antique sales to designers,
5. picture framing and
6. custom art.

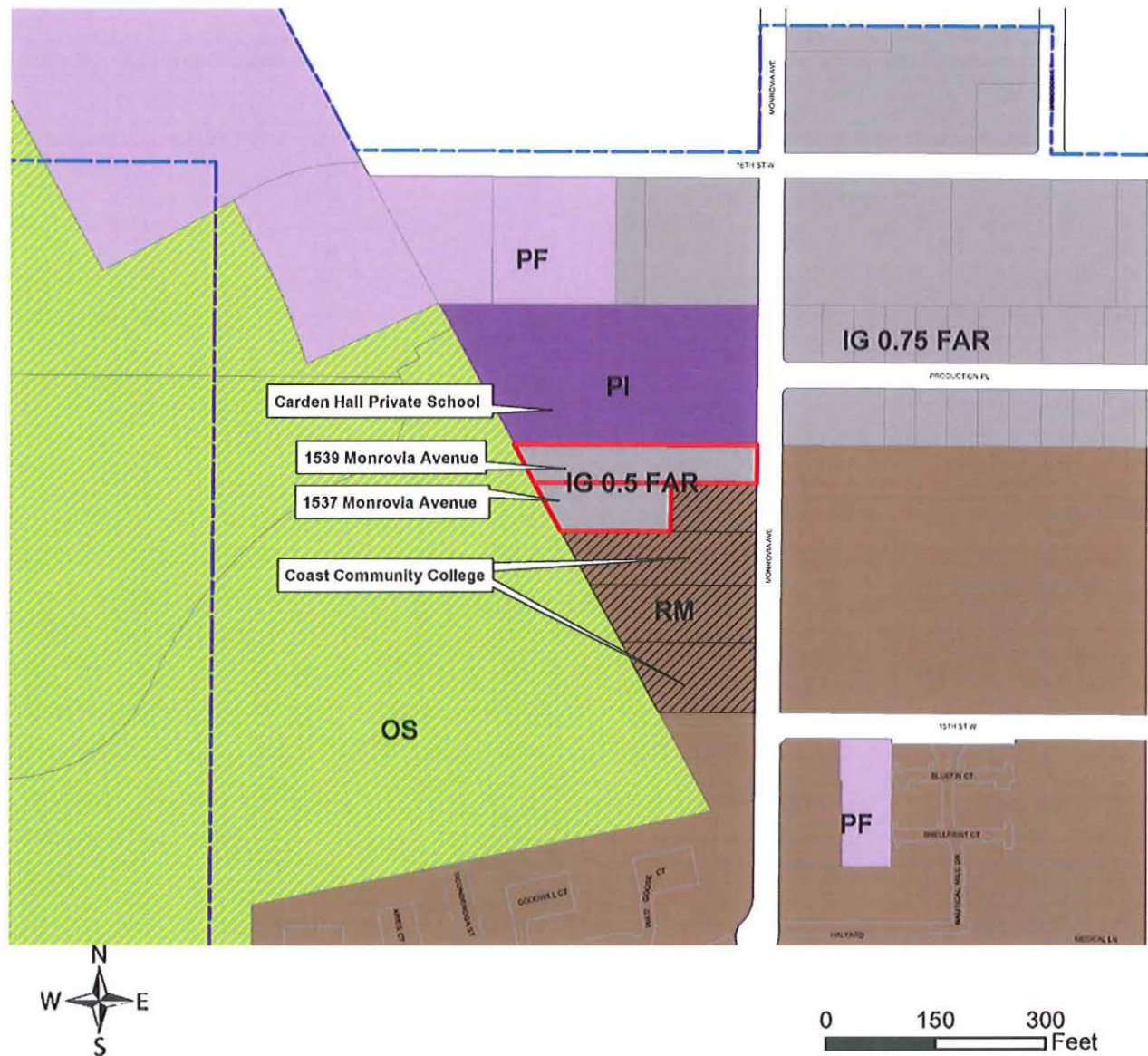
1539 Monrovia Avenue is comprised of 24 individual tenant spaces of 1,000 to 1,500 square feet each. Those tenants include such things as: carpet installer warehouse and office, various service uses and storage related facilities and other light industrial and storage/warehouse uses.

The Carden Hall Private School was established in 1961 when it was a part of the County Triangle and annexed to Newport Beach in 1979. Upon annexation, the school was bounded to the north, south and east across Monrovia Avenue by industrial buildings and uses. The light industrial and warehouse uses to the south have not been detrimental to the school use. The northerly side of the building located at 1539 Monrovia Avenue (Dvorak Property) has a blank building wall on the property line with no window or door openings facing the school. This has allowed the school to utilize the building wall for such outdoor activities such as handball courts. The owner of 1539 Monrovia Avenue, which abuts Carden Hall (private school to the north) has spoken with the headmaster about the proposed amendment. The owner indicated that it was the headmaster's opinion that the existing light industrial building, with the blank wall facing the school, is not detrimental to the school operation. Also the introduction of multi-unit residential has the potential to cause compatibility issues related to noise and traffic, which could be detrimental to occupants and users of both properties. Residential traffic could have a detrimental effect on the school-related drop-off traffic in the morning and afternoons when school is in session.

The Coast Community College District project, located to the south of the 1537 Monrovia Avenue property (Allred Newport LLC), is currently under construction, which began in latter part of 2010. The community college project will create an adult education facility that will include daytime and evening classes. The existing light industrial and warehouse uses that have been in place since the early 1970's are not anticipated to be detrimental to the activities associated with the college. It is anticipated that there may be some complementary or synergistic opportunities between the two uses related to jobs, internships or possibly hands-on activities associated with the college classes. Staff believes that potential future multi-unit residential use, as currently designated by the General Plan and Zoning Map, that is sandwiched between two institutional uses could be negatively impacted by the traffic associated with the college project by students attending daytime and evening. Parking could also become an issue if the parking provided for students cannot be adequately accommodated on the college campus, which could result in overflow parking near a potential future residential project. Finally, there is potential for noise related impacts on adjacent residential uses by college related traffic in the evening hours after 10 pm or possibly later.

Seacliff Mobile Home Park is located across Monrovia Avenue and is designated by the General Plan for multi-unit residential land use. The current on site uses and the residential mobile home park have been in existence since before annexation into the City. The current industrial uses which are proposed to continue are not anticipated to create any incompatibility.

Located to the west of the subject properties is the Banning Ranch Specific Plan area that is currently vacant. The current proposal under consideration would place a community park adjacent to the sites. It is anticipated that neither an active or passive park use adjacent to the subject properties will be adversely affected by the existing or any proposed future industrial uses that may occupy the subject properties.



General Plan

The Land Use designation of the subject properties prior to the adoption of the current General Plan was for a mixture of General Industry, Retail and Service Commercial, and Administrative, Professional and Financial Commercial land use which reflected the existing development patterns. The permitted Floor Area Ratio (FAR) was variable 0.50/0.75, with 0.50 as the base allocation. The 0.75 FAR was an upper limit that was

subject to discretionary review requirements. The recommended 0.50 FAR for the proposed amendments is consistent with the base FAR limitation of the prior General Plan.

The proposed IG designation is intended to provide for the development of properties for a wide-range of moderate to low-intensity industrial uses, such as light manufacturing and research and development and limited ancillary commercial and office uses, with a maximum floor area to land area ratio (FAR) of 0.50 is recommended. Although the IG designated sites located on Production Place have a General Plan FAR of 0.75, staff is of the opinion that an FAR of 0.50 is appropriate for the subject properties. The 0.50 limitation is consistent with the amount of existing gross floor area currently constructed on the 1539 Monrovia Avenue property and will allow for a modest increase on the 1537 Monrovia Avenue property. IG designated sites may also be developed exclusively for retail or offices in accordance with the list of permitted uses provided in the Zoning Code.

In considering the proposed General Plan Amendment, the Planning Commission should consider the following Land Use Element policy:

Policy LU 3.3 - Opportunities for Change states in part as follows:
(Newport Beach General Plan, pp. 3-9)

Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors...

- *West Newport Mesa:* re-use of underperforming commercial and industrial properties for offices and other uses that support Hoag Hospital's medical activities, improvement of remaining industrial properties adjoining the City of Costa Mesa, accommodation of nonwater marine-related industries, and development of residential in proximity to jobs and services.

The amendments will provide continued use of the buildings for light industrial use as currently designed in furtherance of the policy. Approval of the amendment will allow the continuation of the existing industrial use development that would not be subject to abatement and therefore avoid the near term result of creating vacant buildings on Monrovia Avenue. The presence of vacant storefronts has the opposite effect of revitalization.

Goal LU 6.7

A general industrial district that transitions between the Hoag Hospital medical and residential community and industrial uses in the City of Costa Mesa, providing opportunities for needed uses that cannot be accommodated elsewhere in Newport Beach.

Policy LU 6.7.1 Primary Uses

Encourage the development of small-scale incubator industries.

Policy LU 6.7.2 Marine Based Businesses

Encourage and provide incentives for the relocation of marine-based Newport Beach businesses, including boat storage and recreational vehicles, to properties retained for industrial purposes.

The proposed amendments do not conflict with Goal 6.7. The development of the Coast Community College District Learning Center south of the subject properties has precluded a significant portion of the possible residential development envisioned for the west side of Monrovia Avenue. The proposed amendments will provide opportunities for small light industrial or office businesses to continue where there are limited numbers of available sites elsewhere in the City. Furthermore, the proposed amendments are consistent with Policies LU 6.7.1 and LU 6.7.2. The subject properties are already developed with industrial buildings that can accommodate the type of small-scale incubator industries called for by Policy LU 6.7.1. Future use of the subject properties as boat and/or recreational vehicle storage would be consistent with Policy LU 6.7.2 and would provide an industrial use that is compatible with the abutting institutional uses.

Housing Element

The sites if redeveloped with housing at the maximum density allowed by the current General Plan would be 33 dwelling units. The reduction in housing potential should these amendments be approved is not significant given the anticipated housing production within other areas of the city such that the approval will not impede the city's ability to achieve housing production goals as set forth by Southern California Area of Governments (SCAG).

Zoning Code

The IG Zoning District is intended to provide for areas appropriate for a wide range of moderate to low-intensity industrial uses (e.g., light manufacturing and research and development) and limited accessory commercial and office uses. The IG district allows development of industrial projects with a maximum floor area ratio (FAR) ranging from between 0.25 to 0.75. In this particular case, staff recommends an FAR limitation of 0.50 FAR which is consistent with the existing development on the subject properties and avoids a vote of the electorate pursuant to Measure S (Charter Section 423). The applicants have been advised of this recommendation and have raised no objections. Residential uses are not allowed.

The stated purpose and intent of the Zoning Code is to carry out the policies of the City of Newport Beach General Plan. Consistency between the General Plan and zoning designation is critical to ensure orderly development and enforcement. With regard to the subject property, existing industrial development would conform to the standards of the proposed IG Zoning District; the continued industrial uses would be allowed without

abatement. Future new development would require conformance with applicable development and parking standards.

Under the existing RM (2420) zoning designation, the 1537 Monrovia Avenue property could be developed with a maximum of 13 dwelling units and would require a total of 20 parking spaces; and the 1539 Monrovia Avenue property could be developed with a maximum of 20 dwelling units and would require 50 parking spaces. The main purpose of the requested amendment is to maintain the existing industrial use development.

The charts below demonstrate how the subject properties could be developed under the recommended intensity allowance and the maximum intensity allowance for IG zoning designation, and minimum parking requirements for each. The parking requirement for industrial development is one (1) space for every 1,000 square feet of gross floor area.

Recommended IG designation:

Industrial Use (0.50 FAR)			Parking	
	Lot Area	Maximum FAR	Minimum	
1537 Monrovia Ave	33,580 sf	16,790 sf (0.50 FAR)	17 (16,790 sf @ 1/1,000)	
1539 Monrovia Ave	49,642 sf	24,821 sf (0.50 FAR)	25 (24,821 sf @ 1/1,000)	
Total	83,222 sf.	41,611 sf.	42 spaces	

Maximum Allowed IG designation:

Industrial Use (0.75 FAR)			Parking	
	Lot Area	Maximum FAR	Minimum	
1537 Monrovia Ave	33,580 sf	25,185 sf (0.75 FAR)	26 (25,185 sf @ 1/1,000)	
1539 Monrovia Ave	49,642 sf	37,231 sf (0.75 FAR)	38 (37,231 sf @ 1/1,000)	
Total	83,222 sf.	62,416 sf.	64 spaces	

As demonstrated, under the recommended maximum industrial intensity allowance (0.5 FAR) the subject properties could be developed with up to 16,790 and 24,821 square feet of industrial development, respectively. The total of all existing building currently located on the subject properties will comply with the 0.50 FAR limitation recommended.

Charter Section 423 (Measure S) Analysis

Pursuant to City Charter Section 423 and Council Policy A-18, an analysis must be prepared to establish whether a proposed general plan amendment (if approved) requires a vote by the electorate. The proposed amendment would be combined with 80 percent of the increases in traffic, dwelling units and non-residential floor area created by previous general plan amendments (approved within the preceding 10 years) within the same statistical area. However, since there have been no previous amendments within

this statistical area, only the change as apply to these amendment are provided in Table 1. The following thresholds are applicable: 100 dwelling units, 100 A.M. peak hour trips, 100 P.M. peak hour trips, or 40,000 square feet of non-residential floor area. If any of the thresholds are exceeded and the City Council approves the requested General Plan Amendments, the amendments would be classified as a "major amendment" and be subject to voter consideration. Approved amendments, other than those approved by the electorate, are tracked for 10 years and factored into the analysis of future amendments as indicated.

Table 1, summarizes the increase in area, peak hour traffic (A.M. and P.M.) and reduction in the number of dwelling units created by the proposed amendments with the recommended IG designation at 0.50 FAR. The increases indicated in the table are based upon the city taking action on each amendment request separately and sequentially, where only 80% of the First Amendment (GP2011-005) changes are added to the Second Amendment (GP2011-006) changes. As indicated, none of the four (4) thresholds would be exceeded, and therefore, a vote is not required. A more detailed analysis is attached (Attachment No. PC 6).

Table 1: Charter Section 423 Analysis Summary Statistical Area A2				
	Increased Floor Area	Increased A.M. Peak Hour Trips	Increased P.M. Peak Hour Trips	Increase In Allowed Dwelling Units
Proposed GP2011-005 1537 Monrovia Ave (Action 1)	16,790 sq. ft.	11.1	9.8	0
GP2011-005 is a minor amendment.				
GP2011-005 at 80%	13,432 sq. ft.	8.9	7.8	0
Proposed GP2011-006 1539 Monrovia Ave (Action 2)	24,821 sq. ft.	16.0	14.0	0
TOTALS (IG is permitted)	38,253 sq. ft.	24.9	21.8	0
GP2011-006 is a minor amendment.				

SB18 Tribal Consultation Guidelines

Pursuant to Section 65352.3 of the California Government Code, a local government is required to contact the appropriate tribes identified by the Native American Heritage Commission (NAHC) each time it considers a proposal to adopt or amend the General Plan. If requested by any tribe, the local government must consult for the purpose of preserving or mitigating impacts to cultural resources. The City received comments from the NAHC indicating that nine (9) tribe contacts should be provided notice regarding the proposed project. The appropriate tribe contacts supplied by the NAHC were provided notice on May 19, 2011. Section 65352.3 of the California Government Code requires 90 days to allow tribe contacts to respond to the request to consult unless the tribe contacts mutually agree to a shorter time period.

The project sites are located in a geographic feature (mesa) which has not been significantly modified during the last century. The Newport Mesa area existed during the era of Native American settlement and has not been subject to significant landform alterations. Due to these factors, the City has contacted the nine (9) tribe contacts by telephone, email, and standard mail, and has not yet received any responses although the review period remains open. The Planning Commission may recommend the proposed project to City Council at this time. However, the City Council may not act on the proposed amendments until the tribe review period is concluded. Given that the sites are presently developed and that no development is proposed at this time, staff does not anticipate any conflicts or need for monitoring by the tribes. If any comments are received from the tribes, they will be forwarded to the City Council for consideration.

Environmental Review

The proposed amendments are exempt since they do not entail any significant alteration to the subject property and will bring the General Plan Land Use and Zoning District designations consistent with the present use of the subject property. The sites are presently developed and no development is proposed at this time for either property involved, however, future development of the existing property and structures consistent with the proposed IG designation would be categorically exempt under Section 15302 of the California Environmental Quality Act (CEQA) Guidelines – Class 2 (Replacement or Reconstruction).

Summary

The applicants have requested the amendment to allow retention of the existing industrial buildings and uses. The buildings were constructed in mid 1970's and were permitted uses at that time consistent with the provisions of the Zoning Code of the County of Orange. The subject properties are located within the County Triangle which was annexed in October 1979. The uses have been in existence for nearly thirty-eight years and its abatement at this time seems contrary to the General Plan Policies that

promote revitalization of the area. Continuation of these uses and future development consistent with the IG designation does not appear to conflict with the General Plan. Staff does not foresee any adverse environmental impacts with continued use or redevelopment. The approval of the General Plan Amendments to the IG-0.50 designation would not necessitate a vote of the electorate, as required by Section 423 of the City Charter.


Alternatives

Alternatives to the recommended or applicant proposed amendments could include disapproval of the request and retention of the existing General Plan and Zoning designations of Multi-Unit Residential. If it is the desire of the Planning Commission to disapprove the request in its entirety, the attached resolution for denial is provided (Attachment No. PC3, 1537 and 1539 Monrovia Avenue). However, such an action would require abatement of the existing nonresidential use in accordance with the provisions of the Zoning Code, Section 20.38.100.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the properties, and was posted at the site a minimum of ten days in advance of this hearing, consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:


Javier S. Garcia AICP,
Senior Planner

Submitted by:


James Campbell,
Principal Planner

ATTACHMENTS

- PC 1 Draft Resolution with attached Exhibit, 1537 Monrovia Ave
- PC 2 Draft Resolution with attached Exhibit, 1539 Monrovia Ave
- PC 3 Draft Resolution Denying the Amendment Requests, 1537 & 1539 Monrovia Ave
- PC 4 Relevant Information and Photos for 1537 Monrovia Avenue, PA2011-082
- PC 5 Relevant Information and Photos for 1539 Monrovia Avenue, PA2011-105
- PC 6 Section 423 Analysis Table

DRAFT RESOLUTION
With attachments
1537 Monrovia Avenue
(PA2011-082)

Exhibit A-
GP2011-005 and CA2011-008

ATTACHMENT No. PC 1

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING APPROVAL TO THE CITY COUNCIL AMENDMENTS TO THE LAND USE ELEMENT OF THE GENERAL PLAN AND THE ZONING CODE TO CHANGE THE LAND USE DESIGNATION FROM MULTI-UNIT RESIDENTIAL TO GENERAL INDUSTRIAL (IG-0.50) AND TO CHANGE THE ZONING DISTRICT TO IG-0.50 (INDUSTRIAL), FOR PROPERTY LOCATED AT 1537 MONROVIA AVENUE (PA2011-082)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On October 7, 1979, the City Council annexed the County Triangle, portions of which were developed with industrial buildings and uses, and located at that time in the M-1-A Zoning District, on the property located at 1537 Monrovia Avenue.
2. On July 25, 2006, the Newport Beach City Council adopted Resolution No. 2006-76 approving a comprehensive update to the Newport Beach General Plan ("General Plan Update").
3. On January 28, 2008, the City Council adopted a new ordinance (Ordinance No. 2008-05) that established the maximum time period for the abatement and termination of nonconforming uses in residential districts. However, determinations of nonconformity could not be made until the finalization of the City's Local Coastal Plan (LCP), which occurred on July 14, 2009.
4. On October 25, 2010, the City Council Adopted a Comprehensive Update to the Zoning Code (Title 20) bringing consistency between the Zoning Code and the Land Use Element of the General Plan. The result of that action rendered numerous properties nonconforming, with existing commercial buildings and uses located within residential districts. In accordance with Ordinance No. 2008-05, mentioned above, those properties are subject to abatement.
5. An application was filed by Allred Newport LLC, with respect to the subject property located at 1537 Monrovia Avenue requesting approval of amendments to the General Plan and the Zoning Code to change the land use from multi-residential to industrial-use.
6. The subject property is currently located within the Multi-Unit Residential (RM) Zoning District and the General Plan Land Use Element category is Multi-Unit Residential Land Use (RM).

7. The recommended change of the General Plan designation of 1537 Monrovia Avenue is from Multi-Unit Residential (RM) to Industrial General (IG-0.50).
8. The recommended change of the Zoning District designation of 1537 Monrovia Avenue is from Multi-Unit Residential (RM) to Industrial (IG- 0.50).
9. Council Policy A-18 requires that proposed General Plan amendments be reviewed to determine if a vote of the electorate would be required. If a project (separately or cumulatively with other projects over a 10-year span) exceeds any one of the following thresholds, a vote of the electorate would be required if the City Council approves the suggested General Plan Amendment: more than 100 peak hour trips (AM or PM), adds 40,000 square feet or more of non-residential floor area, or adds more than 100 dwelling units in a statistical area.
10. This is the first General Plan Amendment that affects Statistical Area A2 since the General Plan update in 2006. A reduction in the number of dwelling units and the increase in non-residential floor area (16,790 sq. ft.) result in an increase of 11.1 A.M. peak hour trips and an increase of 9.8 P.M. peak hour trips based on the nonresidential, commercial and residential housing trip rates reflected in Council Policy A-18. As none of the four thresholds that require a vote pursuant to Charter Section 423 are exceeded, no vote of the electorate is required.
11. A public hearing was held on July 21, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 2 (Replacement or Reconstruction).
2. The proposed amendments are exempt since they do not entail any significant alteration to the subject property and are essentially bringing the General Plan Land use Designations and Zoning Districts to be consistent with the existing use of the buildings and properties involved.
3. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial

challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. FINDINGS.

1. The amendment will provide for continuation of existing uses that are compatible with the existing and future surrounding institutional uses (Carden Hall Private School and Coast Community College District).
2. The amendment is consistent with the goals and policies of the General Plan, in particular Policy LU 3.3, Opportunity for change, which will provide opportunities for improved development and enhanced environments for residents in the West Newport Mesa Area. The re-use of underperforming commercial and industrial properties for offices and other uses that support Hoag Hospital's medical activities, improvement of remaining industrial properties adjoining the City of Costa Mesa, accommodation of non-water marine-related industries, and will not conflict with the future development of residential in proximity to jobs and services.
3. The existing building and uses, and future development of the property affected by the amendments are consistent with the goals and policies of the General Plan, in particular, Policies LU 6.7.1 and LU 6.7.2, since the subject properties are currently developed with industrial buildings that can accommodate the type of small-scale incubator industries called for by Policy LU 6.7.1. The future use of the subject properties as boat and/or recreational vehicle storage is consistent with Policy LU 6.7.2, compatible with the abutting institutional uses, and consistent with the purpose and intent of the IG-0.50 zoning district of the Newport Beach Municipal Code.
4. The amendment will provide opportunities for small light industrial or office businesses to continue where there are limited numbers of available sites elsewhere in the City.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby recommends City Council approval of General Plan Amendment No. GP2011-005, changing the designation from Multi-Unit Residential (RM) to Industrial General (IG-0.50); and Code Amendment No. CA2011-008 changing the zoning designation from Multi-Unit Residential (RM) to Industrial (IG-0.50), affecting 1537 Monrovia Avenue, Statistical Area A2, legally described as Parcel 1 of Parcel Map 045/24 (Attachment Exhibit A).
2. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages,

actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Monrovia Ave Amendments (PA2011-082) including, but not limited to, General Plan Amendment No. GP2011-005 and Code Amendment No. CA2011-008. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicants shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicants shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF JULY, 2011.

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

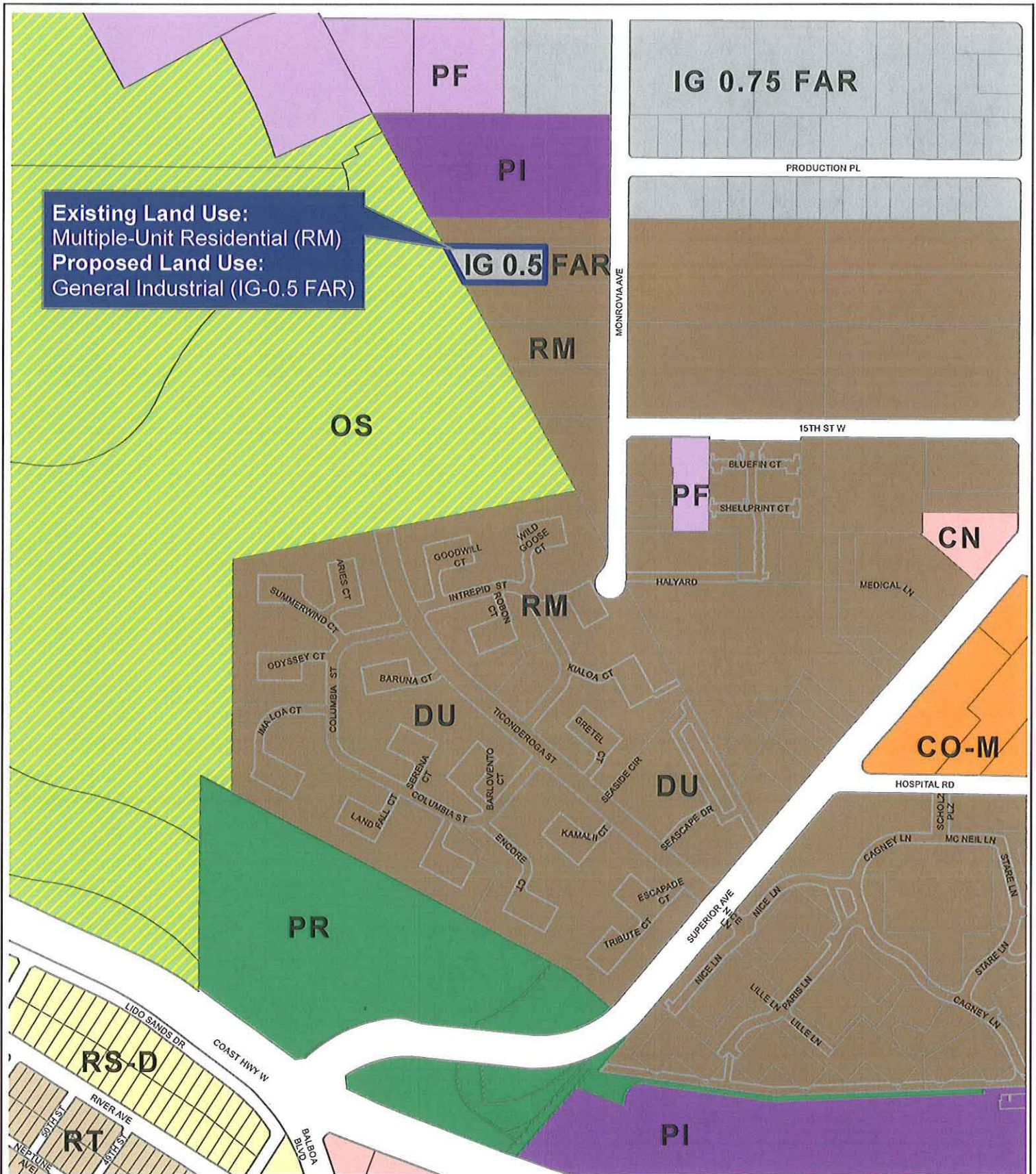
BY: _____
Charles Unsworth, Chairman

BY: _____
Bradley Hillgren, Secretary

EXHIBIT A-

1537 Monrovia Avenue
(PA2011-082)

GP2011-005 and CA2011-008

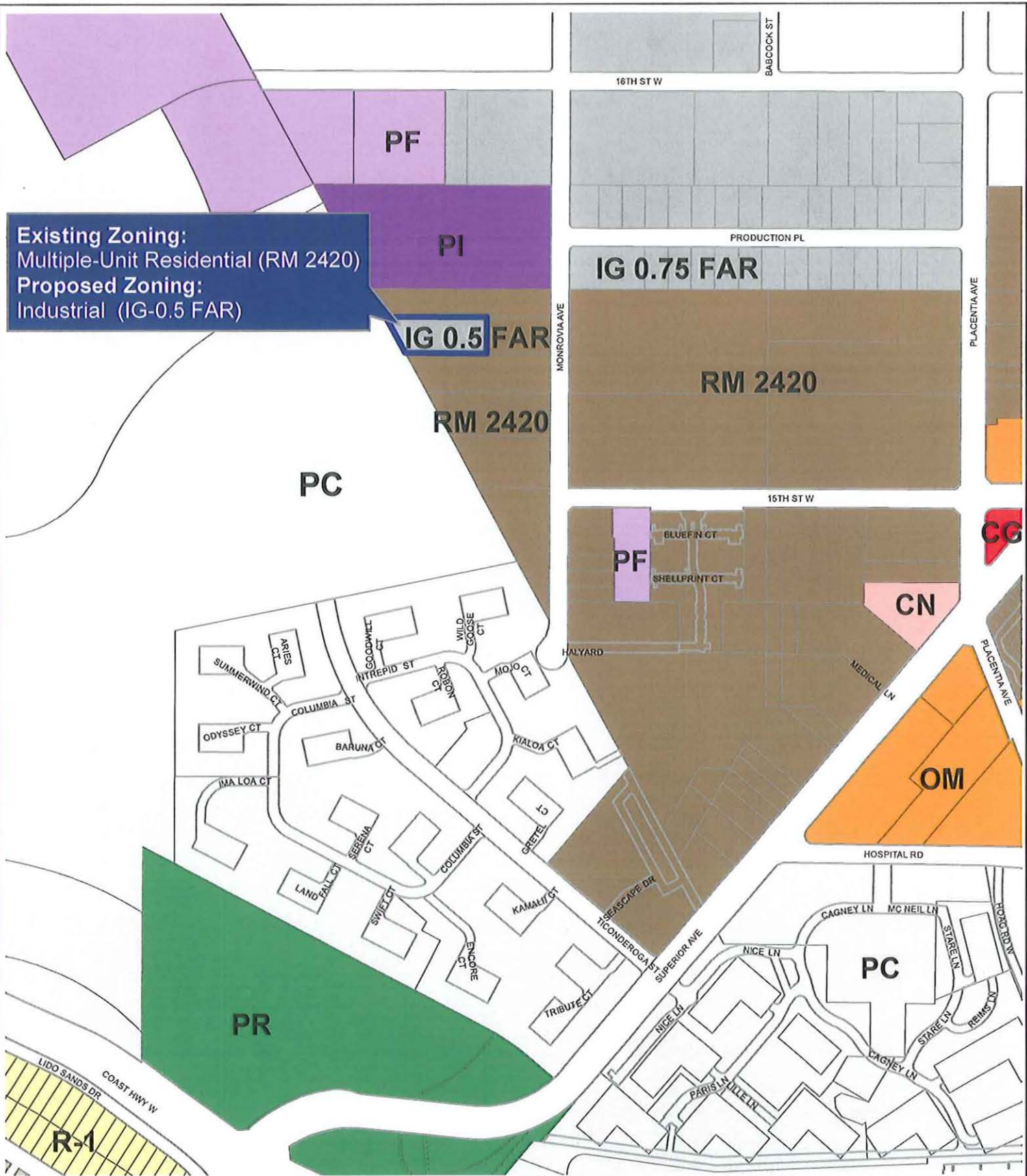


GP2011-005 (PA2011-082)
General Plan Amendment
1537 Monrovia Avenue

0 250 500 Feet



NEWPORT
Beach
CALIFORNIA



CA2011-008 (PA2011-082) Zoning Code Amendment

1537 Monrovia Avenue

0 250 500 Feet



NEWPORT
Beach
CALIFORNIA

DRAFT RESOLUTION

With attachments
1539 Monrovia Avenue
(PA2011-105)

Exhibit A-
GP2011-006 and CA2011-009

ATTACHMENT No. PC 2

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING APPROVAL TO THE CITY COUNCIL AMENDMENTS TO THE LAND USE ELEMENT OF THE GENERAL PLAN AND THE ZONING CODE TO CHANGE THE LAND USE DESIGNATION FROM MULTI-UNIT RESIDENTIAL TO GENERAL INDUSTRIAL (IG-0.50) AND TO CHANGE THE ZONING DISTRICT TO IG-0.50 (INDUSTRIAL), FOR PROPERTY LOCATED AT 1539 MONROVIA AVENUE (PA2011-105)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On October 7, 1979, the City Council annexed the County Triangle, portions of which were developed with industrial buildings and uses, and located at that time in the M-1-A Zoning District, on the property located at 1539 Monrovia Avenue.
2. On July 25, 2006, the Newport Beach City Council adopted Resolution No. 2006-76 approving a comprehensive update to the Newport Beach General Plan ("General Plan Update").
3. On January 28, 2008, the City Council adopted a new ordinance (Ordinance No. 2008-05) that established the maximum time period for the abatement and termination of nonconforming uses in residential districts. However, determinations of nonconformity could not be made until the finalization of the City's Local Coastal Plan (LCP), which occurred on July 14, 2009.
4. On October 25, 2010, the City Council Adopted a Comprehensive Update to the Zoning Code (Title 20) bringing consistency between the Zoning Code and the Land Use Element of the General Plan. The result of that action rendered numerous properties nonconforming, with existing commercial buildings and uses located within residential districts. In accordance with Ordinance No. 2008-05, mentioned above, those properties are subject to abatement.
5. An application was filed by Dvorak & Payne LTD, with respect to the subject property located at 1539 Monrovia Avenue requesting approval of amendments to the General Plan and the Zoning Code to change the land use from multi-residential to industrial-use.
6. The subject property is currently located within the Multi-Unit Residential (RM) Zoning District and the General Plan Land Use Element category is Multi-Unit Residential Land Use (RM).

7. The recommended change of the General Plan designation of 1539 Monrovia Avenue is from Multi-Unit Residential (RM) to General Industrial (IG-0.50).
8. The recommended change of the Zoning District designation of 1539 Monrovia Avenue is from Multi-Unit Residential (RM) to Industrial (IG- 0.50).
9. Council Policy A-18 requires that proposed General Plan amendments be reviewed to determine if a vote of the electorate would be required. If a project (separately or cumulatively with other projects over a 10-year span) exceeds any one of the following thresholds, a vote of the electorate would be required if the City Council approves the suggested General Plan Amendment: more than 100 peak hour trips (AM or PM), adds 40,000 square feet or more of non-residential floor area (current proposal is for an additional 24,821 square feet, when combined with GP2011-005 floor area will total 38,253 sq. ft.), or adds more than 100 dwelling units in a statistical area.
10. This is the second General Plan Amendment that affects Statistical Area A2 since the General Plan update in 2006. The cumulative results that include 80% of the increase of the prior amendment under consideration at 1537 Monrovia Avenue (GP2011-005) further reduces the number of dwelling units and increases the non-residential floor area result in an overall increase of 27.1 A.M. peak hour trips and an overall increase of 23.8 P.M. peak hour trips based on the nonresidential, commercial and residential housing trip rates reflected in Council Policy A-18. As none of the four thresholds that require a vote pursuant to Charter Section 423 are exceeded, no vote of the electorate is required.
11. A public hearing was held on July 21, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 2 (Replacement or Reconstruction).
2. The proposed amendments are exempt since they do not entail any significant alteration to the subject property and are essentially bringing the General Plan Land use Designations and Zoning Districts to be consistent with the existing use of the buildings and properties involved.
3. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges.

As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. FINDINGS.

1. The amendment will provide for continuation of existing uses that are compatible with the existing and future surrounding institutional uses (Carden Hall Private School and Coast Community College District).
2. The amendment is consistent with the goals and policies of the General Plan, in particular Policy LU 3.3, Opportunity for change, which will provide opportunities for improved development and enhanced environments for residents in the West Newport Mesa Area. The re-use of underperforming commercial and industrial properties for offices and other uses that support Hoag Hospital's medical activities, improvement of remaining industrial properties adjoining the City of Costa Mesa, accommodation of non-water marine-related industries, and will not conflict with the future development of residential in proximity to jobs and services.
3. The existing building and uses, and future development of the property affected by the amendments are consistent with the goals and policies of the General Plan, in particular, Policies LU 6.7.1 and LU 6.7.2, since the subject properties are currently developed with industrial buildings that can accommodate the type of small-scale incubator industries called for by Policy LU 6.7.1. The future use of the subject properties as boat and/or recreational vehicle storage is consistent with Policy LU 6.7.2, compatible with the abutting institutional uses, and consistent with the purpose and intent of the IG-0.50 zoning district of the Newport Beach Municipal Code.
4. The amendment will provide opportunities for small light industrial or office businesses to continue where there are limited numbers of available sites elsewhere in the City.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby recommends City Council approval of General Plan Amendment No. GP2011-006, changing the designation from Multi-Unit Residential (RM) to General Industrial (IG-0.50); and Code Amendment No. CA2011-009 changing the designation from Multi-Unit Residential (RM) to Industrial (IG-0.50), affecting 1539 Monrovia Avenue, Statistical Area A2, legally described as Portion of Lot 1015 (Attachment Exhibit A).

2. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Monrovia Ave Amendments (PA2011-105) including, but not limited to, General Plan Amendment No. GP2011-006 and Code Amendment No. CA2011-009. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicants shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicants shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

PASSED, APPROVED AND ADOPTED THIS 21st DAY OF JULY, 2011.

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

BY: _____
Charles Unsworth, Chairman

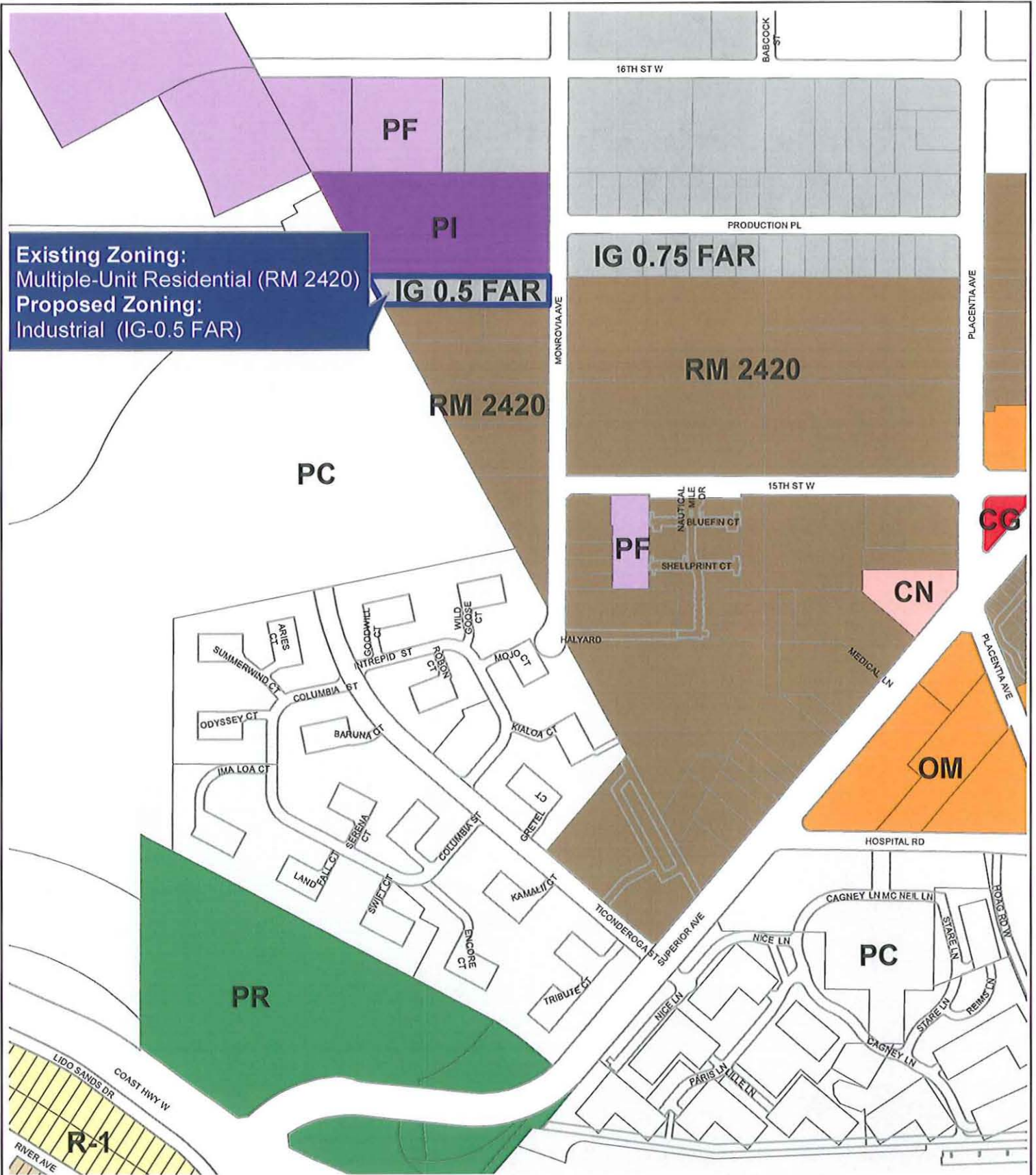
BY: _____
Bradley Hillgren, Secretary

EXHIBIT A-

1539 Monrovia Avenue
(PA2011-105)

GP2011-006 and CA2011-009

Existing Zoning:
Multiple-Unit Residential (RM 2420)
Proposed Zoning:
Industrial (IG-0.5 FAR)



CA2011-009 (PA2011-105) Zoning Code Amendment

1539 Monrovia Avenue

0 250 500 Feet



NEWPORT
Beach
CALIFORNIA

**DRAFT RESOLUTION
DENYING THE AMENDMENT REQUESTS**

1537 Monrovia Avenue
(PA2011-082)
GP2011-005 and CA2011-008

1539 Monrovia Avenue
(PA2011-105)
GP2011-006 and CA2011-009

ATTACHMENT No. PC 3

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING THE REQUEST TO AMEND THE LAND USE ELEMENT OF THE GENERAL PLAN AND THE ZONING CODE TO CHANGE THE LAND USE DESIGNATION FROM MULTI-UNIT RESIDENTIAL TO INDUSTRIAL GENERAL (IG-0.50) AND TO CHANGE THE ZONING DISTRICT TO IG-0.50 (INDUSTRIAL), FOR PROPERTIES LOCATED AT 1537 AND 1539 MONROVIA AVENUE (PA2011-082 AND PA2011-105)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On October 7, 1979, the City Council annexed the County Triangle, portions of which were developed with industrial buildings and uses, and located at that time in the M-1-A Zoning District, on the properties located at 1537 and 1539 Monrovia Avenue.
2. On July 25, 2006, the Newport Beach City Council adopted Resolution No. 2006-76 approving a comprehensive update to the Newport Beach General Plan ("General Plan Update").
3. On January 28, 2008, the City Council adopted a new ordinance (Ordinance No. 2008-05) that established the maximum time period for the abatement and termination of nonconforming uses in residential districts. However, determinations of nonconformity could not be made until the finalization of the City's Local Coastal Plan (LCP), which occurred on July 14, 2009.
4. On October 25, 2010, the City Council Adopted a Comprehensive Update to the Zoning Code (Title 20) bringing consistency between the Zoning Code and the Land Use Element of the General Plan. The result of that action rendered numerous properties nonconforming, with existing commercial buildings and uses located within residential districts. In accordance with Ordinance No. 2008-05, mentioned above, those properties are subject to abatement.
5. Applications were filed by Allred Newport LLC and Dvorak & Payne LTD, with respect to the subject properties located at 1537 and 1539 Monrovia Avenue, respectively, requesting approval of amendments to the General Plan and the Zoning Code to change the land use from multi-residential to industrial-use.
6. The subject property is currently located within the Multi-Unit Residential (RM) Zoning District and the General Plan Land Use Element category is Multi-Unit Residential Land Use (RM).

7. The recommended change of the General Plan designation of 1537 and 1539 Monrovia Avenue is from Multi-Unit Residential (RM) to Industrial General (IG-0.75).
8. The recommended change of the Zoning District designation of 1537 and 1539 Monrovia Avenue is from Multi-Unit Residential (RM) to Industrial (IG).
9. A public hearing was held on July 21, 2011, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. A determination of compliance with the requirements of the California Environmental Quality Act is not required for projects that are denied.
2. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

SECTION 3. FINDINGS.

1. Amendments to the General Plan are legislative acts. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments. The Planning Commission has determined that in this particular case the current General Plan designations are appropriate and a change is not warranted.
2. Code amendments are legislative acts. Neither the City Municipal Code nor State Planning Law set forth any required findings for either approval or denial of such amendments, unless they are determined not to be required for the public necessity and convenience and the general welfare. The Planning Commission has determined that in this particular case, that the current Zoning designation is appropriate and that a change is not necessary for the public necessity and convenience and the general welfare.
3. The existing nonresidential use is not consistent with the goals and policies of the Land Use Element of the General Plan, the Zoning District requirements or the Coastal Land Use Plan; and therefore will be subject to abatement in accordance with Ordinance No. 2008-05.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby denies the requests for General Plan Amendment No. GP2011-005, changing the designation from Multi-Unit Residential (RM) to Industrial (IG); and Code Amendment Nos. CA2011-008 changing the zoning designation from Multi-Unit Residential (RM) to Industrial (IG), affecting 1537 Monrovia Avenue, Statistical Area A2, legally described as Parcel 1 of Parcel Map 045/24.
2. The Planning Commission of the City of Newport Beach hereby denies the requests for General Plan Amendment No. GP2011-006, changing the designation from Multi-Unit Residential (RM) to Industrial (IG); and Code Amendment No. CA2011-009 changing the zoning designation from Multi-Unit Residential (RM) to Industrial (IG), affecting 1539 Monrovia Avenue, Statistical Area A2, legally described as Portion of Lot 1015.

PASSED, APPROVED AND ADOPTED THIS 21th DAY OF JULY, 2011.

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

BY: _____
Charles Unsworth, Chairman

BY: _____
Bradley Hillgren, Secretary

RELEVANT INFORMATION:

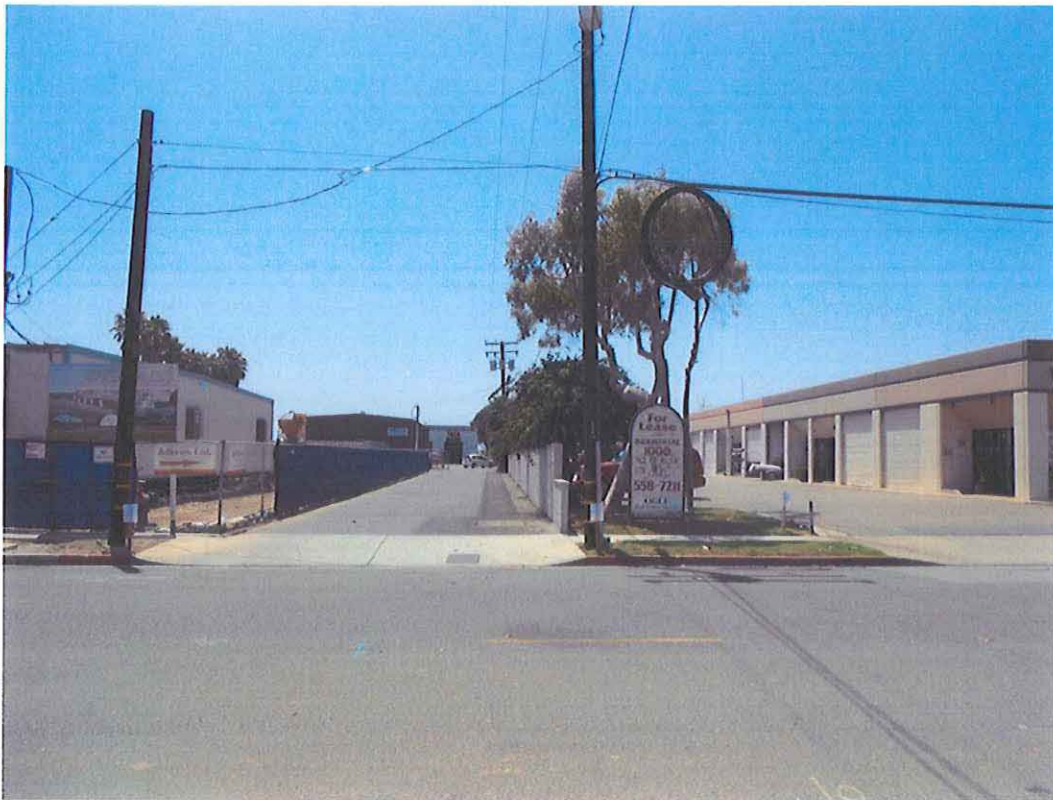
1537 Monrovia Avenue

FOR PA2011-082
GP2011-005
CA2011-008

ATTACHMENT No. PC 4



SUBJECT PROPERTY: 1537 MONROVIA AVENUE



SUBJECT PROPERTIES: 1537 & 1539 MONROVIA AVENUE



RELEVANT INFORMATION:

1539 Monrovia Avenue

FOR PA2011-105

GP2011-006

CA2011-009

ATTACHMENT No. PC 5

Attachment to Planning Permit Application (Zone Change) 1539
Monrovia Avenue, Newport Beach, CA., dated June 1, 2011.

This property has functioned as a successful industrial park since 1973. Because of the extremely narrow width of the lot-it is only 90 feet wide-along with a depth of 575 feet, it would be completely difficult to create an attractive and functional multi-unit residential development as required by the new zoning.

Present structure is a concrete tilt-up, single story structure, 24,000 square feet, that provides more than required code parking, landscaped borders, and an efficient, attractive location for up to 23 local companies.

This property, along with another small industrial landlocked property (1537 Monrovia) is a small island surrounded by educational facilities. We have Carden Hall, a private School, abutting one long property line, the new Community College campus on the other. Although our present use as a small industrial park is forgiving to the various problems inherent to the school use, i.e., playground noise, multi-unit residential on our property would be constantly subjected to these issues. Residential users would not be so understanding and I believe there would be constant tension and problems for the folks living on this 75 foot- wide sliver between two campuses.

Parking and traffic is going to be a major problem when the Community college is up and running. Because of its "State status", the college does not have to comply with Newport Beach parking standards and this area will be subject, I believe, to substantial parking stress. Also, Cardin Hall does create considerable congestion several times per day during student pick-up and delivery although it is managed by them very well.

Our existing building has a clean, contemporary presence that blends nicely with the existing school and will be compatible with the new one. Apartments would create a discordant island, freakishly narrow, and small.

With a minimum of problems, this location has provided scarce space for many business's that provide jobs and vitality for the community. We believe-given the pending envelopment by educational campuses-that the present use is the most feasible for this property.

Garcia, Jay

To: Garcia, Jay
Subject: FW: 1537-1539 Monrovia Applications

-----Original Message-----

From: Jim Ogle [mailto:jwogle@pacbell.net]
Sent: Wednesday, July 13, 2011 1:52 PM
To: Garcia, Jay
Cc: David Dvorak
Subject: Re: 1537-1539 Monrovia Applications

HI Jay- I called Carden Hall yesterday, they thought Mr. Jones was on vacation but would call his home to check. He has not called me, so he must be out of town.

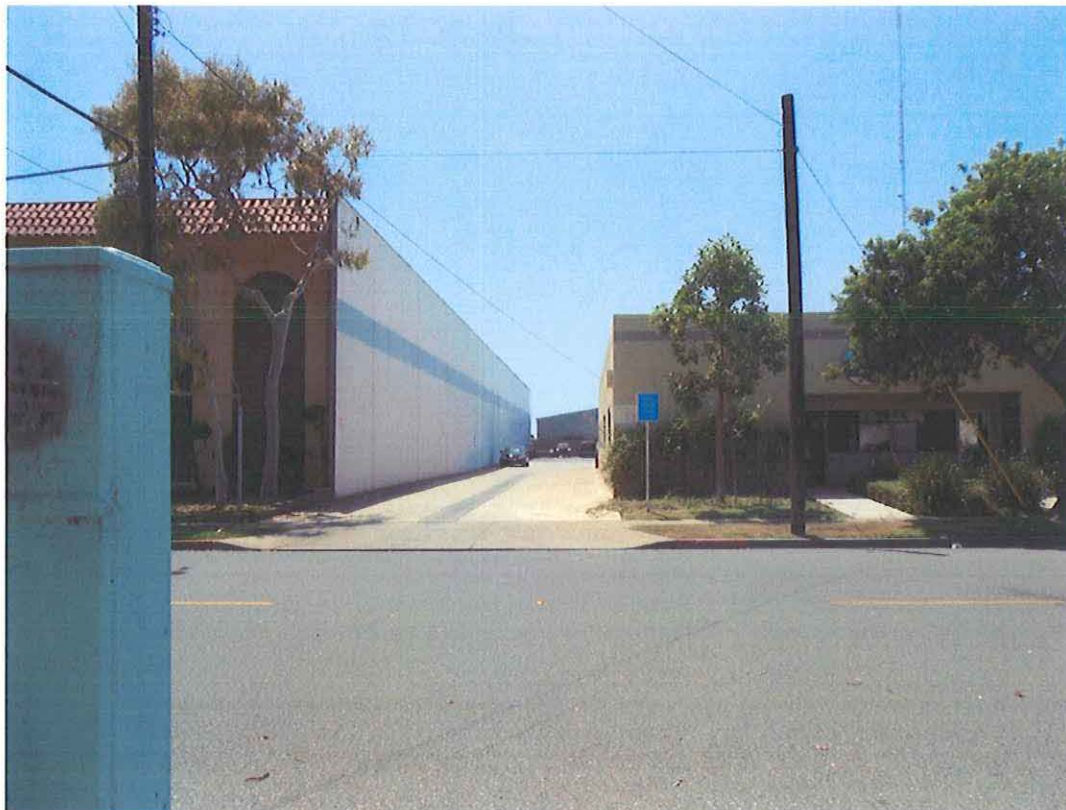
I have had a couple of phone conversations with Mr. Jones, regarding our application for a rezone back to General Industrial. He wasn't aware that our property had been rezoned to multi-residential. He expressed concern about the compatibility that a residential development would have on the school and how the school might create problems for the residents, such as schoolyard noise, class period bells and school functions, etc. He did state that our property and the school has coexisted peaceably for 40+ years, with no issues between our general industrial tenants and the school activities. He said he would be in favor of our property being rezoned to General Industrial to maintain the environment that has existed for the past 40 years.

Please let me know if you need anything else.

Jim Ogle
Ogle Real Estate Services
1570 E. Edinger Ave., #12
Santa Ana, CA 92705
714/558-7211 (o)
714/558-7850 (f)
jwogle@pacbell.net

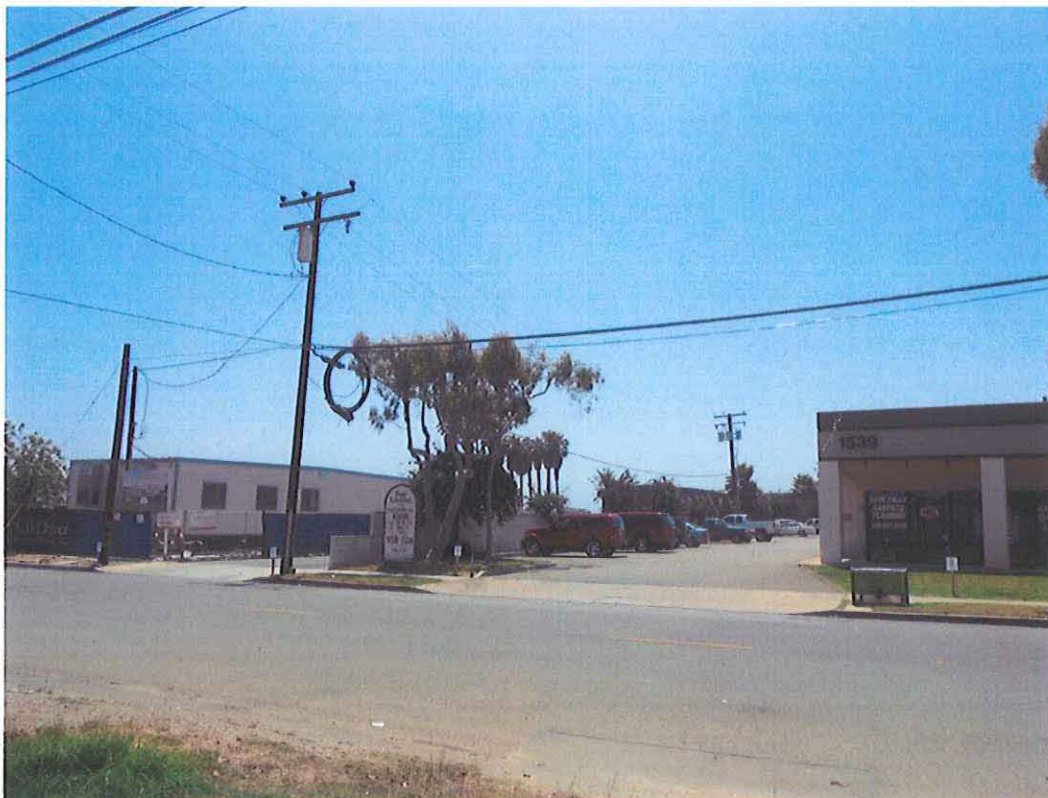


SUBJECT PROPERTY: 1539 MONROVIA AVENUE



CARDEN HALL PROPERTY: 1541 MONROVIA AVENUE

@ NORTHERLY BOUNDARY ADJACENT INDUSTRIAL PROPERTY



SUBJECT PROPERTIES: 1537 & 1539 MONROVIA AVENUE



CITY CHARTER SECTION 423 ANALYSIS

ATTACHMENT No. PC 6

Address	Existing Development	GP	Allowed Density	Allowed Intensity/floor area	Existing Traffic Land Use Description	Existing AM	Existing PM	Proposed GP	Proposed density	Proposed Intensity/Floor Area	Proposed Traffic Land Use Description	Proposed AM	Proposed PM	AM Change	PM Change	Total du changes	Total square footage changes
ACTION 1 APPROVAL (GP2011-005) WITHIN THIS STATISTICAL AREA A2																	
1537 Monrovia Avenue, APN 424-401-08	The Allred Property, 33, 580-square-foot lot developed with a two, light industrial use buildings	RM (2420)	13.0	0.0	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	5.7	7.0	IG, allows FAR 0.50 max	0	16,790.0	Industrial rate per Council Policy A-18 (1.0 AM & 1.0 PM trips per 1,000sf)	16.8	16.8	11.1	9.8	-13.0	16,790.0
80% of Proposed Intensity- FAR										13,432.00		13.4	13.4	8.9	7.8	-10	13,432.00
ACTION 2 APPROVAL -GENERAL PLAN AMENDMENT NO. GP2011-006 - STATISTICAL AREA A2																	
1539 Monrovia Avenue, APN 424-401-06	The Dvorak Property, 49,642-square-foot lot developed with a single-story, multi-tenant, light industrial building.	RM (2420)	20.0	0.0	#230 - Residential/Condominium Townhouse (0.44AM/0.54PM trips per unit)	8.8	10.8	IG, allows FAR 0.50 max	0	24,821.0	Industrial rate per Council Policy A-18 (1.0 AM & 1.0 PM trips per 1,000sf)	24.8	24.8	16.0	14.0	-20.0	24,821.0
TOTAL FOR STATISTICAL AREA A2			33.0	0.0		14.5	17.8		0.0	38,253.0		41.6	41.6	27.1	23.8	-33.0	38,253.0